

**FILED**  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

## APR 23 2018

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BY  
DEPUTY \_\_\_\_\_

V.

**CIVIL ACTION NO. 1:18-cv-00105**

### Defendants.

## 1

(1988), that a Plaintiff could change and/or amend its complaint in order that it be remanded back to state court. Plaintiffs are attempting to do such. By filing their answer to the State Complaint, the defendants waived their right to seek such a removal. Chavez v. Kincaid, 15 F.Supp.2d 1118 1125 (D.N.M. 1998), which observed that waiver of the right to remove occurs when a defendant “manifests an intent to litigate in the state court.” Defendants have clearly manifested an intent to litigate this matter in state court, as well as surrender to the state’s court jurisdiction.

### **CONCLUSION**

Because Plaintiffs’ intend to file an amended complaint in the State Court which would no longer seeks relief for violations of federal statutes; affirmatively raising no federal question that would give this Court subject matter jurisdiction and proper venue. And because Defendants clearly waived their right to seek removal by filing an answer in the state court, Plaintiffs again respectfully request that this court remand this case back to the 58<sup>th</sup> Judicial District Court, Jefferson County, Texas.

Date: April 21, 2018

Respectfully submitted,

By: 

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/s/ Beverly Salvagio

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing has been forwarded to all known counsel of record by email and/or Certified mail on the 21<sup>st</sup> day of April 2018 as follows:

**VIA CERTIFIED MAIL /**

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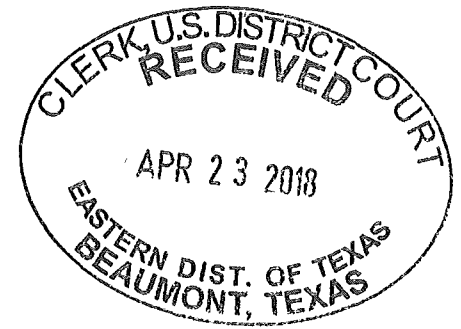
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April 21, 2018

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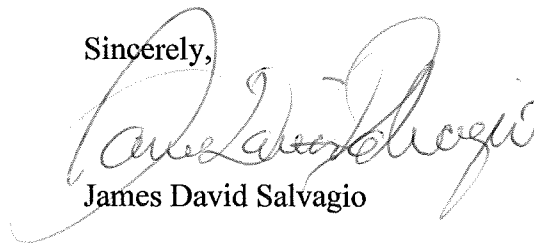
**Re: Cause No. 1:18-cv-00105; Eastern District of Texas/Beaumont Division**  
**James David Salvagio and Beverly Salvagio v. New Penn Financial, et al**

Dear Clerk of Court:

Please file the enclosed Reply to Response to Motion to Remand, in connection with the above-captioned matter and return a certified recorded copy back to me in the enclosed envelope.

Thank you for your time and attention to this matter.

Sincerely,



James David Salvagio

Enclosures

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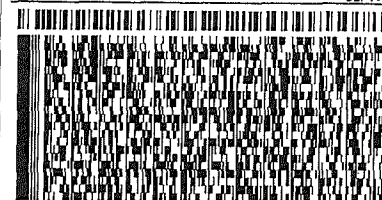
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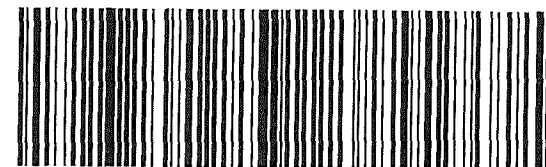


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